

**TOWN PLAN AND ZONING COMMISSION  
WEST HARTFORD, CONNECTICUT**

**RULES AND REGULATIONS  
FOR  
THE TRANSACTION OF BUSINESS**

(Adopted November 14, 1949; Amended February 1, 1969, January 3, 1966, June 3, 1974, December 5, 1983, June 6, 1988, June 19, 1989, June 22, 1990, December 11, 1996, July 6, 1998, February 2, 2004, May 5, 2008, February 6, 2012 and April 6, 2015.)



## **ARTICLE 1**

### **Purpose and Authorization**

The objectives and purpose of the Town Plan and Zoning Commission of the Town of West Hartford, Connecticut are those set forth in the Charter of West Hartford, Special Act 562 of the 1957 General Assembly, as amended, or as specified in General Statutes of Connecticut and/or the Code of Ordinances of the Town of West Hartford. The Commission shall act as custodian of the visual character and environmental quality of the Town in accordance with the above enabling laws. The general function and duties of the Commission are as follows:

- a. Plan for the physical development of the Town.
- b. Carry out the precepts and intent of the Zoning Ordinance.
- c. Review and approve subdivision maps.
- d. Prepare, review, amend and adopt a Plan of Development and report thereon annually to the Town Council for change.
- e. Review the Zoning Map and the text of the Zoning Ordinance and make recommendations to the Town Council for change.
- f. Prepare, review, amend and adopt the Subdivision Regulations and report thereon to the Town Council.
- g. Render disinterested and diligent service to the public in the interpretation of public needs and necessities in the development, conservation and environmental protection of the Town of West Hartford and its environs.

## **ARTICLE II**

### **Name**

The Commission shall be known as the Town Plan and Zoning Commission of the Town of West Hartford, Connecticut ("Commission").

## **ARTICLE III**

### **Office of Agency**

The office of the Commission shall be located in the Town Planner's Office, Town Hall Common, 50 South Main Street, West Hartford, Connecticut 06107, where all Commission records will be kept. Copies of all official documents, records, maps, etc., will be filed or



recorded in the office of the Town Clerk.

## **ARTICLE IV**

### **Membership**

**Section 1.** The membership and terms of office shall be as specified in the above-stated ordinances establishing the Commission and the aforementioned Charter of the Town and the General Statutes.

**Section 2.** Members of the Commission shall include “Regular” members and “Alternate” members according to the terms of their appointments. Alternate members, when designated to act for any Regular member of the Commission, shall have all the powers and duties of a Regular member of the Commission.

**Section 3.** On their appointment to the Commission, new members shall be briefed by the Town Planner on the general scope of Town and regional planning and on the duties of the Commission.

## **ARTICLE V**

### **Officers and Their Duties**

**Section 1.** The officers of the Commission shall consist of a Chair, a Vice Chair and a Secretary, who shall be the Town Planner.

**Section 2.** The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chair shall have the authority to appoint committees, call special meetings, and generally perform other duties as may be prescribed in these rules and regulations.

**Section 3.** The Chair shall be a Regular Commission member. He/she shall have the privilege of discussing all matters before the Commission and of voting thereon.

**Section 4.** The Vice Chair shall act for the Chair in his/her absence and have the authority to perform the duties prescribed for that office. He/she shall be a Regular Commission member. The Commission shall elect a temporary Chair from the Regular members present in the event that both the Chair and Vice Chair are absent.

**Section 5.** The Secretary shall keep the minutes and records of the Commission and, with the assistance of such staff as is available, prepare the agenda of regular and special meetings under the direction of the Chair, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and undertake such other duties as are normally carried out by a Secretary.



## **ARTICLE VI**

### **Election of Officers**

**Section 1.** An annual organization meeting shall be held at the regular January meeting at which time officers will be elected by the Regular members of the Commission and bylaws reviewed and made a part of the minutes of the annual meeting. A schedule of meeting and file dates for the ensuing year shall be submitted by the Secretary for review and approval.

**Section 2.** Nominations shall be made from the floor at the annual organization meeting and elections of the officers specified in Section 1 of Article V shall follow immediately thereafter. At least four (4) Regular Commission members, including at least one (1) minority party member, must be present before election of officers can take place.

**Section 3.** The candidate receiving a majority vote from the Commission members shall be declared Chair and shall serve for one year or until his/her successor shall take office.

**Section 4.** Vacancies in offices shall be filled in accordance with the election procedure prescribed in Section 1 above at any regularly scheduled meeting of the Commission.

**Section 5.** Resignation from the Commission shall be in written form and transmitted to the Town Council through the Town Clerk. A copy should be provided for the Chair and Secretary of the Commission.

## **ARTICLE VII**

### **Meetings**

**Section 1.** Regular meetings will normally be held in the evening on the first Monday of each month in the Legislative Chambers of Town Hall, Room 314, Town Hall Common, 50 South Main Street, West Hartford, Connecticut provided, however, that the Commission may adjourn to any other location within the Town. On such adjournment, the Secretary shall cause to be posted on the door of the Legislative Chambers a notice of the continuance and of the setting of the other location and time thereof. The Secretary shall notify the membership of regular meetings not less than 48 hours in advance of such meeting. The notice of such a meeting shall specify the purpose of such meeting and no other business may be considered except upon consent of 2/3 of the members of the Commission present and voting.

**Section 2.** Special meetings of the Commission may be scheduled when the work of the Commission so requires. Special meetings may be called by the Chair, requested by any member of the Commission or by the Town Planner. Consent of a majority of the Commission will be necessary to schedule a special meeting requested by a member or by



the Town Planner and to set the time and place for such meeting. Notice of a special meeting will be the same as that required for a regular meeting. The notice of such a meeting shall specify the purpose of such meeting and no other business may be considered.

**Section 3.** A majority of the voting membership of the Commission shall constitute a quorum and the number of voters necessary to transact business shall be a majority of members of the Commission present and voting, except as otherwise provided by Statute.

**Section 4.** The Commission may adjourn from time to time, absentees being notified thereof, and in case there shall be no quorum present at any meeting, the Commissioners present will adjourn from time to time until a quorum is obtained, or will adjourn said meeting *sine die*.

**Section 5.** All Commission meetings shall be open to the public when in session. Executive sessions may be held upon an affirmative vote of two thirds of the members of the Commission present and voting taken at a public meeting and stating the reasons for the executive session, as defined in Section 1-200 of the General Statutes, as amended.

**Section 6.** It shall be the practice of the Commission that no hearings will commence after 11:00 pm, except where necessary to comply with mandatory time limits imposed upon the completion of hearings. Notwithstanding the foregoing, if any agenda item(s) scheduled for public hearing has not been reached by 11:00 pm, a motion to postpone said hearing(s) shall be required to ensure that the Commission records accurately reflect the history of proceedings. This rule shall not be construed to preclude any seated member from moving to continue or postpone a hearing prior to 11:00 pm.

## **ARTICLE VIII**

### **Order of Business**

**Section 1.** Unless otherwise determined by the Chair, the order of business at regular meetings shall be:

- a. Call to order.
- b. Roll call.
- c. Approval of the minutes of previous meeting.
- d. Communications and bills.
- e. Reports of officers and committees.
- f. New Business.



- g. Old Business.
  - 1. Withdrawals/Postponements/Further Continuance of Hearings
- h. Town Planner's Report.
- i. Adjournment.

**Section 2.** New business items shall be added to the agenda in the order in which they are submitted.

**Section 3.** A motion from the floor must be made and passed in order to dispense with any item on the agenda or change the order of business.

**Section 4.** An agenda shall be prepared by the Secretary and the Chair for each regular meeting and special meeting of the Commission, and the mailing of the agenda shall serve as notification of the meeting. A copy of same shall be sent by the Secretary to all members of the Commission in advance of each meeting.

**Section 5.** The agenda for each meeting shall contain only those items which have been submitted to the Town Planner in sufficient time for review, analysis, referrals to other interested departments or public bodies and preparation of necessary reports. The Commission shall establish at its first meeting in January a schedule of filing deadlines for each of its regular meetings in the succeeding calendar year. The deadline schedule shall give full consideration to the filing limitations of State Statutes and the related requirements of the West Hartford Charter and Code of Ordinances. Provisions of this Section may be waived by the unanimous vote of the members present.

**Section 6.** The Town Planner shall have the authority to withhold from an agenda, or to remove from a tentative agenda, any item which is not complete and sufficient for Commission action, or any item which has been revised subsequent to the initial filing and has not received adequate time for a comprehensive review by responsible staff agencies.

**Section 7.** Upon recognition by the Chair, the Town Planner shall have the privilege of the floor for the purpose of giving information to the Commission on business and affairs of the Town.

**Section 8.** The originator of a communication or spokesman for any group whose petition or communication is included on the agenda may be given the privilege of addressing the Commission on the subject of the petition of communication for a period of not more than five minutes.

**Section 9.** Items received and set for public hearing shall generally be scheduled for hearing in the order in which they appear on the agenda unless the applicant requests a later hearing date/time. Notwithstanding the foregoing, the Commission may schedule any



matter for a special meeting or may schedule matters out of sequence in the interest of managing the overall length of meetings.

**Section 10.** The agenda item entitled “Withdrawals/Postponements/Further Continuance of Hearings” shall be used to entertain written requests which have been received for the withdrawal, postponement or further continuance of “Old Business” agenda items scheduled for public hearings which appear later on the same agenda.

## **ARTICLE IX**

### **Hearings**

**Section 1.** The Commission may hold public hearings, in addition to required hearings, when it decides that such hearings will be in the public interest.

**Section 2.** All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in Chapter XII (Zoning) Sections 1-2, Chapter XIII (Planning) Sections 1-12 of the Town Charter or in the General Statutes of the State of Connecticut, as applicable.

**Section 3.** The matter before the Commission may be presented in summary by the Town Planner or staff member and parties in interest shall have the privilege of the floor.

**Section 4.** The evidence submitted to the Commission during the hearing and the Commission’s subsequent deliberations shall be recorded by a competent court stenographer and/or by a sound-recording device in each matter before the Commission in which the right to appeal lies to the Superior Court. Proceedings of the hearing shall be incorporated into the minute book of the Commission as a permanent part of that record.

**Section 5.** No matter will be placed on a TPZ agenda until all required wetland proceedings are concluded unless the time limits prescribed in State Statutes, as amended, for application action are violated.

## **ARTICLE X**

### **Conducting the Public Hearing**

**Section 1.** The Chair of the Commission shall preside at the public hearing. In the event of his/her absence, the Vice Chair or a duly appointed Commission member shall act as presiding officer. If any number of Regular members of the Commission is absent from a meeting or is otherwise unable to participate in the hearing of a matter, the presiding officer shall name an alternate or alternates to serve on each hearing panel in lieu of the missing member(s). Such appointment(s) shall be made using a sequential rotation among the alternates which shall continue from meeting to meeting and shall commence, upon adoption of this rule, based upon seniority. When an applicant is presenting multiple related applications on the same agenda,



the same alternate(s) shall sit on all related hearings whenever possible to promote consistency.

**Section 2.** The Secretary shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared.

**Section 3.** At the opening of the public hearing, a summary of the question or issue may be stated by the presiding officer or Town Planner at the option of the presiding officer. Comments shall be limited to the subject advertised for hearing. The Chair may describe the method of conduct of the hearing.

**Section 4.** Following a presentation by the Applicant, the Chair shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. The order is reversible, the discretion of the Commission prevailing. Whichever the case may be, each group shall make its presentation in succession without allowing an intermixture of comment pro or con. The Chair shall also call for comments by those members of the public who may wish to speak without declaring themselves to be proponents or opponents of the application.

**Section 5.** It shall be made clear to the hearing that all questions and comments must be directed through the Chair only after being properly recognized by the presiding officer.

**Section 6.** All persons recognized shall approach the designated podium in order to facilitate proper recording of comments. Before commenting on the matter before the hearing, each person shall give his/her name and address.

**Section 7.** The presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The presiding officer shall reserve the right to adjourn the hearing in the event the discussion becomes unruly and unmanageable.

**Section 8.** At the outset of all public hearings, the Chair may announce the procedure for the conduct of that hearing. To assure the public of a full and fair opportunity to present testimony at such hearings, the Commission may hear argument in alternate half-hour periods. In the event it becomes apparent that a public hearing cannot be concluded on the appointed date that hearing may be continued to another convenient date of which due notice will be given. A registry shall be provided prior to all public hearings wherein each citizen who wishes to address the Commission will be requested to enter his or her name and address; any person desiring to speak will be permitted to do so whether or not he or she has signed the registry.

**Section 9.** The show of hands by those persons present shall not be allowed on any general question presented at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations of the regular meeting of the commission. If a general consensus of the meeting is desired, the Commission may provide



a properly identified sheet on which the public may signify in writing their opinion as either in favor or opposed to the question before the public hearing.

**Section 10.** The Chair (and the Commission) shall be guided by the Roberts Rules of Order, latest revision, on all questions or procedures and parliamentary law not covered by these rules and regulations.

**Section 11.** (a) Regular members of the Commission and all alternates who are present shall have the right to ask questions and to seek clarification relative to any information presented to the Commission during the public hearing portion of the meeting. All requests for such clarification or questions shall be directed through the Chair after being duly recognized by the presiding officer.

(b) Once the public hearing has been closed, only the alternate(s) designated by the Chair to sit during the public hearing of a particular matter may participate in the Commission's discussion and determination of that matter.

**Section 12.** Postponed/Continued Hearings: (a). When a hearing has been postponed or opened and continued to a subsequent date, it shall be placed as the first item of old business on the agenda of the meeting to which it has been postponed or continued. Where multiple hearings are postponed or continued to the same date, they shall be placed on the agenda in the order in which they were received except that the Chair shall have the discretion to revise the order of such agenda items in the interest of better ensuring public participation in the hearing process.

(b). When a matter has been held open and continued to a subsequent date and a member of the Commission considering said matter is unable to complete deliberations on said matter, another Commission member and/or any alternate designated by the Chair who was not present at the previous hearing on the matter may participate in the discussion and determination of the matter if that individual has fully familiarized themselves with the testimony and exhibits presented at the previous hearing on the matter.

## **ARTICLE XI**

### **Town Planner-Designation of Duties**

The Director of Community Services shall designate the Town Planner to meet with and advise the Commission in the discharge of the Commission's responsibilities under the Town Charter.



## **ARTICLE XII**

### **Committees**

**Section 1.** Standing committees may be appointed by the Chair at any regular meeting of the Commission. The duties of each committee shall be prescribed by the Commission.

**Section 2.** The standing committees shall be appointed for one year and shall consist of at least two (2) members. Vacancies shall be filled immediately by the Chair of the Commission. The Chair shall terminate the committee once said committee has performed its function and reported to the Commission.

**Section 3.** Special Committees may be appointed by the Chair for purposes and terms which the Commission approves.

## **ARTICLE XIII**

### **Public Information and Communication**

**Section 1.** No news releases or statements to the press shall be given on behalf of the Commission except by the Chair or, in his/her absence, the Vice Chair. All information releases should reflect the thinking of the majority of the Commission.

**Section 2.** In the matter of the press, radio and television representatives, the Commission shall comply with Section 1-226 of the Connecticut General Statutes, as amended.

## **ARTICLE XIV**

### **Amendments**

These Rules and Regulations may be amended by a two-thirds vote of the entire voting membership of the Commission, only after the proposed change has been read and discussed at a previous regular meeting except that the Rules and Regulations may be suspended or permanently changed at any meetings by the unanimous vote of the entire voting membership of the Commission.

## **ARTICLE XV**

**ADOPTION.** All other bylaws and regulations pertaining to the transaction of business are hereby repealed and these Rules and Regulations shall be in effect immediately upon adoption.